

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Adam Bracey,	)	Civil Action No.: 4:17-cv-00399-RBH-TER
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Horry County Council, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Plaintiff's objections to the Report and Recommendation (R & R) of United States Magistrate Judge Thomas E. Rogers, III.<sup>1</sup> See ECF Nos. 82 & 87.

**Standard of Review**

The Magistrate Judge makes only a recommendation to the Court. The Magistrate Judge's recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court must conduct a de novo review of those portions of the R & R to which specific objections are made, and it may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Court must engage in a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. *Id.* However, the Court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the [C]ourt to a specific error in the [M]agistrate [Judge]'s proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of timely filed specific objections to the R & R, the Court reviews

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<sup>1</sup> The Magistrate Judge submitted the R & R to this Court in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

only for clear error, *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005), and the Court need not give any explanation for adopting the Magistrate Judge's recommendation. *Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983).

### **Discussion**

The Magistrate Judge issued three separate orders directing Plaintiff to bring this case into proper form by signing the complaint. R & R at 1 (citing ECF Nos. 8, 16, & 49). Because Plaintiff failed to fully comply with those three orders, the Magistrate Judge entered the instant R & R recommending dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(b). *Id.* at 2. Alternatively, the Magistrate Judge recommended recommitting this matter to him if Plaintiff filed the fully signed signature page of the complaint within the time for filing objections. *Id.*

Plaintiff filed timely objections to the R & R and attached a copy of his complaint containing a signed signature page.<sup>2</sup> See ECF Nos. 87 & 87-1 at 164. Because Plaintiff has filed the fully signed signature page of the complaint within the time for filing objections, the Court will recommit this matter to the Magistrate Judge in accordance with the R & R.

### **Conclusion**

For the foregoing reasons, the Court **RECOMMITS** this matter to the Magistrate Judge.

**IT IS SO ORDERED.**

Florence, South Carolina  
June 7, 2017

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

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<sup>2</sup> Plaintiff also filed a "Motion for Leave of the Court to File Electronically." ECF No. 87-1 at 2-3. The Court denies this motion for the reasons stated in the Magistrate Judge's prior orders denying similar requests. See ECF Nos. 8, 9, & 48.